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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

CISCO SYSTEMS, INC.,

Plaintiff,

vs.

ARISTA NETWORKS, INC.,

Defendant.

CASE NO. 5:14-cv-5344-BLF (PSG)

**DECLARATION OF ANDREW M.
HOLMES IN SUPPORT OF CISCO
SYSTEMS, INC.'S OPPOSITION TO
MOTION TO STRIKE**

DEMAND FOR JURY TRIAL

DECLARATION OF ANDREW M. HOLMES

I, Andrew Holmes, declare as follows:

1. I am an attorney licensed to practice in the State of California and am admitted to practice before this Court. I am an associate with the law firm Quinn Emanuel Urquhart & Sullivan, LLP, counsel for Plaintiff Cisco Systems, Inc. ("Cisco"). I have personal knowledge of the matters set forth in this Declaration, and if called as a witness I would testify competently to those matters.

2. I make this declaration in support of Cisco's Opposition to Motion to Strike ("Cisco's Opposition").

3. I understand that Cisco requested access to Arista's products and software through requests for production on September 18, 2015. Arista did not make available for inspection operable versions of its accused switches for Cisco's counsel and experts in this case until May 2016. Cisco's expert thereafter inspected those accused switches starting on May 18, 2016 at the office of Arista's counsel.

4. The process of searching for, identifying, and then confirming (via Arista's source code and Arista's operable devices) the instances of "HelpDesc" content was not finished until May 27, 2016.

5. In the last two days of liability fact discovery, Arista produced more than 229,000 pages from more than 22,000 documents. Between the close of fact discovery for liability and fact discovery for damages, Arista produced an additional 7,500 pages from nearly 500 different documents. These document productions included financial data. Since damages fact discovery closed on June 10, 2016, Arista has produced more than 23,000 pages from 900 documents, including Arista internal documents that relate to Arista's command expressions.

6. Attached hereto as Exhibit A is a true and correct copy of a November 5, 2013 blog posting by Kenneth Duda titled, "Linux as a Switch Operating System: Five Lessons Learned," produced in this case with Bates numbers CSI-CLI-00540078 through CSI-CLI-00540079.

1 7. Attached hereto as Exhibit B is a true and correct copy of a 102 page chart showing
2 the overlap of Arista command expressions with Cisco's copyrighted work including the specific
3 Arista EOS versions in which the copying appeared. This chart was served on August 7, 2015 as
4 Exhibit B to Plaintiff Cisco Systems, Inc.'s Second Supplemental Objections and Responses to
5 Defendant Arista Networks, Inc.'s First Set of Interrogatories.

6 8. Attached hereto as Exhibit C is a true and correct copy of chart showing the overlap
7 of Arista command modes with Cisco's copyright work including the specific Arista EOS versions
8 in which the copying appeared. This chart was served on August 7, 2015 as Exhibit C to Plaintiff
9 Cisco Systems, Inc.'s Second Supplemental Objections and Responses to Defendant Arista
10 Networks, Inc.'s First Set of Interrogatories.

11 9. Attached hereto as Exhibit D is a true and correct copy of an example of Arista's
12 copying of Cisco's command hierarchies. This example was served on September 1, 2015 as
13 Exhibit D to Plaintiff Cisco Systems, Inc.'s Second [sic] Supplemental Objections and Responses
14 to Defendant Arista Networks, Inc.'s First Set of Interrogatories.

15 10. Attached hereto as Exhibit E is a true and correct copy of a 27 page chart showing
16 Arista's copying of Cisco's copyrighted command responses. This chart was served on September
17 1, 2015 as Exhibit E to Plaintiff Cisco Systems, Inc.'s Second [sic] Supplemental Objections and
18 Responses to Defendant Arista Networks, Inc.'s First Set of Interrogatories.

19 11. Attached hereto as Exhibit F is a true and correct copy of an excerpt from Plaintiff
20 Cisco Systems, Inc.'s First Set of Requests for Production to Defendant Arista Networks, Inc.
21 served March 26, 2015.

22 12. Attached hereto as Exhibit G is a true and correct copy of an excerpt from Plaintiff
23 Cisco Systems, Inc.'s First Set of Interrogatories to Defendant Arista Networks, Inc. served March
24 26, 2015.

1 13. Attached hereto as Exhibit H is a true and correct copy of an excerpt from
2 Defendant Arista Networks, Inc.'s Responses to Plaintiff Cisco Systems, Inc.'s First Set of
3 Requests for Production served April 30, 2015.

4 14. Attached hereto as Exhibit I is a true and correct copy of an excerpt from
5 Defendant Arista Networks, Inc.'s Responses to Plaintiff Cisco Systems, Inc.'s First Set of
6 Interrogatories served April 30, 2015.

7 15. Attached hereto as Exhibit J is a true and correct copy of Plaintiff Cisco Systems,
8 Inc.'s First Supplemental Objections and Responses to Defendant Arista Networks, Inc.'s First Set
9 of Interrogatories served July 24, 2015.

10 16. Attached hereto as Exhibit K is a true and correct copy of Exhibit A to Plaintiff
11 Cisco System's Inc.'s Supplemental Objections and Responses to Defendant Arista Networks,
12 Inc.'s Interrogatory No. 15 and was served on June 7, 2016.

13 17. Attached hereto as Exhibit L is a true and correct copy of an excerpt from
14 Defendant Arista Networks, Inc.'s Supplemental Responses to Plaintiff Cisco Systems, Inc.'s First,
15 Third, and Fourth Set of Interrogatories served May 27, 2016.

16 18. Attached hereto as Exhibit M is a true and correct copy of excerpts from the April
17 29, 2016 deposition of Soni Jiandani.

18 19. Attached hereto as Exhibit N is a true and correct copy of excerpts from the June
19 22, 2016 deposition of John T. Chambers.

20 20. Attached hereto as Exhibit O is a true and correct copy of excerpts from the May 7,
21 2016 deposition of Jeffrey Birnbaum.

22 21. Attached hereto as Exhibit P is a true and correct copy of excerpts from the May
23 19, 2016 deposition of Deepak Malik.

1 I declare under penalty of perjury under the laws of the State of California that the
2 foregoing is true and correct, and that this declaration was executed in San Francisco, California,
3 on June 27, 2016.

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5 /s/ Andrew M. Holmes
6 Andrew M. Holmes
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SIGNATURE ATTESTATION

Pursuant to Civ. L.R. 5-1(i)(3), the undersigned hereby attests under penalty of perjury that concurrence in the filing of this document has been obtained from the signatory indicated by the “conformed” signature (/s/) of registered ECF User Sara E. Jenkins.

Dated: June 27, 2016

/s/ Amy H. Candido
Amy H. Candido